

II. REMARKS

The Examiner appears to have failed to address the Applicants' response, filed July 16, 2003, at least with respect to claim 23. Clearly, the rejection of claim 23 under 35 U.S.C. 103 as being unpatentable over Hashimoto should be withdrawn. As there are no other rejections of claim 23, claim 23 should be allowed, and at the very least the finality of the Action mailed 5/7/03 (Paper No. 5) should be removed.

As noted before, claim 23 recites that the controller is programmed that if the size of the image is larger than the predetermined image size the controller makes available for selection user selectable features (including image cropping or image reduction). Hashimoto, as stated by the Examiner, has features that are "always on". The Examiner further states that features that are "always on" as in Hashimoto are always present. Correspondingly, if the user selectable features are always present, then it axiomatically follows that they cannot be made present or made available upon the occurrence of some event (i.e. if the size of the image is larger than the predetermined size). If something is always present or available, then it cannot possibly be made present or available as it is already there. Hashimoto does not mention making features available for user selection if the size of the image on the medium is larger than a predetermined image size as otherwise called for in claim 23. Hashimoto clearly does not disclose or suggest the features called for in claim 1, and it could not possibly be obvious to one skilled in the art from Hashimoto alone (nor does the Examiner cite any other reference) to modify the copier in Hashimoto so that its controller is programmed that if the size of the image is larger than the

predetermined image size the controller makes available for selection user selectable features, as otherwise called for in claim 23. Applicants' other arguments in the response filed July 16, 2003 are incorporated by reference herein. The Applicant respectfully request that the Examiner address the Applicants' arguments in full.

Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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8/28/03

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703)872-9315 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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